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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200084
Party	Defendant MYSKIN, INC.
Correspondence Address	mySkin, Inc. mySkin, Inc. SUITE #324 123 TOWN SQUARE PLACE JERSEY CITY, NJ 07310 legal@myskininc.com
Submission	Answer
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Signature	/RAJIV RANJAN/
Date	07/13/2011
Attachments	ANSWER TO NOO.pdf (8 pages)(235228 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

APPLICATION NO	77960706
PARTY	DEFENDANT MYSKIN, INC.
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SUBMISSION	ANSWER
FILER'S NAME	RAJIV RANJAN
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ATTACHMENTS	SKINTELLIGENCE – Answer (8 Pages) (23,851 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Application Serial No. 77/960,706

Published in the *Official Gazette*

February 1, 2011

LIFETECH RESOURCES, LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91200084
)	Application No. 77/960,706
MYSKIN, INC.)	Mark: SKINTELLIGENCE
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of mySkin, Inc. (hereinafter “Applicant”), owner of Trademark Application Serial No. 77960706 for the mark SKINTELLIGENCE (hereinafter “Applicant’s Standard Character mark”) filed March 17, 2010, and published in the Official Gazette of February 1, 2011, by and through themselves, in response to the Notice of Opposition filed on June 1, 2011 by LIFETECH RESOURCES, LLC., (hereinafter “Opposer”) and assigned Opposition No. 91200084.

Applicant hereby respectfully pleads and avers in connection with submission of response, solely for the purpose of this proceeding, to each of the grounds set forth in

the Notice of Opposition through the following numbered Paragraphs corresponding to the Paragraphs of the Notice of Opposition under the headings used thereof:

1. Answering in response to Paragraph 1 of the Notice of Opposition, Applicant respectfully admits only the facts provided by Opposer in connection with the filing basis thereof, which is based on Applicant's intention to use the mark in commerce.
2. Answering in response to Paragraph 2 of the Notice of Opposition, Applicant respectfully admits only the facts and figures (to be precise dates) provided by Opposer in connection with publication of Applicant's mark for opposition and date thereof, Opposer's filing of extension to oppose and date thereof, Board's grant of extension to oppose and date thereof and the timely filing of Notice of Opposition by Opposer.
3. Answering in response to Paragraph 3 of the Notice of Opposition, Applicant respectfully admits the Opposer's statement made thereof.
4. Answering in response to Paragraph 4 of the Notice of Opposition, Applicant respectfully admits only the Opposer's statement in connection with the non-cancellation of Opposer's U.S Trademark Registration No. 1,783,801, validity of Opposer's mark and legal status claimed thereof. Answering specifically, in response to Opposer's claims in connection with incontestability of Opposer's U.S Trademark Registration No. 1,783,801 in Paragraph 4 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the appropriateness of the statement and therefore denies the same.
5. Answering in response to Paragraph 5 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the statement made thereof and therefore denies the same.
6. Answering in response to Paragraph 6 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the facts contained or disclosed therein. Since Applicant can neither accept and agree nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every fact contained therein.

7. Answering in response to Paragraph 7 of the Notice of Opposition, Applicant respectfully admits to the extent the records of the U.S. Patent and Trademark Office and Trademark Trial and Appeal Board substantiate the facts claimed.
8. Answering in response to Paragraph 8 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.
9. Answering in response to Paragraph 9 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.
10. Answering in response to Paragraph 10 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.
11. Answering in response to Paragraph 11 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.
12. Answering in response to Paragraph 12 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statement contained or made therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
13. Answering in response to Paragraph 13 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor

deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.

14. Answering in response to Paragraph 14 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.

15. Answering in response to Paragraph 15 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.

16. Answering in response to Paragraph 16 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained or disclosed therein. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny. Specifically, Applicant denies each and every allegation contained therein.

FURTHERMORE, Applicant sets forth the following affirmative defenses and statements in support of its position:

17. Upon information and belief, Opposer's mark is not famous.

18. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark and the Opposer's mark are not confusingly similar.

19. Applicant respectfully draws the attention of the Examiner to the doctrine of unclean hands and other applicable equitable principles to bar Opposer's claims.

20. Opposer has failed to adequately maintain, police, or enforce rights in connection with Opposer's mark.

21. Applicant is without knowledge or information as to Opposer's belief that they will be damaged by the registration of Applicant's mark upon the Principal Register. Applicant denies that such registration and use will deceive the consumers.
22. Upon information and belief, users of Applicant's goods are sophisticated users.
23. Applicant's mark and Opposer's mark are different in meaning or connotation.
24. Applicant's mark and Opposer's mark have very different commercial impressions.
25. Applicant's mark and Opposer's mark are not likely to cause confusion, mistake or deception to purchasers as to the source of Opposer's goods.
26. Applicant's mark does not and cannot dilute Opposer's mark.
27. Applicant's mark does not falsely suggest a connection with Opposer's mark.
28. Applicant's Trade (or Distribution) Channels of the Goods are not similar to Opposer's (or Distribution) Channels of the Goods offered under Opposer's mark.

WHEREFORE, Applicant respectfully prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial No. 77960706 in the U.S. Patent and Trademark Office.

Applicant respectfully requests the Examiner or Examining Attorney to kindly refer to Applicant's Response to First Non-Final Office Action or Rejection from U.S. Patent and Trademark Office in connection with any and all affirmative defenses and statements in support of its position.

Please direct all correspondence to the attention of:

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Date: Tuesday, July 12, 2011

Respectfully submitted,

mySkin, Inc.

By and on behalf of,

/RAJIV RANJAN/

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CERTIFICATE OF SERVICE

**MARK: SKINTELLIGENCE
(OPPOSITION NO. 91200084)
APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by email at the following email id's dockmpls@merchantgould.com, dmattessich@merchantgould.com on Wednesday, July 13, 2011.

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/RAJIV RANJAN/
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